

FILED
2021 APR 22 PM 4:46
CLERK US DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BY MV
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3:21-CV-00023-KC

Plaintiff, BRANDON CALLIER, hereby files this Motion to Strike Defendant's Motion to Dismiss Or In The Alternative, To Transfer. (Dkt 6) Defendant Morris Lobe is not an attorney and has improperly pled on behalf of Defendant Summit Horizon Financial Services, LLC. As such, this Honorable Court should strike this motion in its entirety.

Federal Rule of Civil Procedure 12(f) states that “[t]he court may strike from a pleading an insufficient defense of any redundant, immaterial, or scandalous matter.” Although Rule 12(f) should be used sparingly, it is appropriate where Defendants’ have acted impermissibly. Defendant Morris Lobe (Lobe) acted impermissibly when he filed the Motion. Any person who represents another person or entity before the Courts must be licensed to practice law. This was confirmed by the Texas Supreme Court in *Kunstoplast v Formosa Plastics*, 937. S.W. 2d 455, 456 (Tex. 1996).


Defendant Summit Horizon Financial Services, LLC (Summit) is a corporation organized and existing under the laws of Georgia. Defendant Lobe is a natural person and is not admitted to practice law in the Western District of Texas, State of Texas, or a licensed attorney of any sort. On April 20, 2021 Lobe filed a Motion to Dismiss, or in the Alternative, to Transfer on behalf of Defendant Summit. (Exhibit A)

WHEREFORE. Summit Horizon Financial Services requests this Court to dismiss this action, or, in the alternative, to transfer this action to the Circuit Court of Decatur County on the basis of improper venue. Summit Horizon Financial Services further requests all additional relief the Court may deem proper.

DATED, this the __17th__ day of ____April____, 20_21__.

Respectfully submitted,

Dated: 4/17/2021


Name: Morris Lobe
Title: Owner

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Defendant Lobe clearly indicates Defendant Summit is making the request and signs his name as the owner and individual filing the request on behalf of Summit. This is an unauthorized practice of law and the Court is correct to strike this pleading from the record.

CONCLUSION

For the foregoing reasons, this Honorable Court should strike Defendants' Motion to Dismiss or in the Alternative, to Transfer in its entirety. Defendant Lobe is not a licensed attorney and cannot represent Defendant Summit in Court. Defendants should be deemed to

have not responded to Plaintiff's Original Complaint as the Defendant's pleading was inadmissible under Texas Case Law and the Federal Rules of Civil Procedure.

Dated April 22, 2021

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'B. Callier', with a stylized, cursive script.

Brandon Callier
Plaintiff, Pro Se
6336 Franklin Trail Drive
El Paso, Texas 79912
Callier74@gmail.com
915-383-4604

APR 22 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

BRANDON CALLIER,

Plaintiff,

V.

SUMMIT HORIZON FINANCIAL SERVICES, LLC, a Georgia Limited Liability Company and MORRIS LOBE

Defendants.

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**3:21-CV-00023-KC**

Upon consideration of Plaintiff's Motion To Strike Defendants' Motion To Dismiss Or In  
The Alternative, To Transfer, it is this, \_\_\_\_\_ day of \_\_\_\_\_, 2021,

**ORDERED** that Plaintiff's Motion To Strike Defendants' Motion To Dismiss Or In The Alternative, To Transfer be and is hereby **GRANTED**;

**SO ORDERED**

**United States District Judge**

[illegible]

I hereby certify that on April 22, 2021 I caused a true copy of the foregoing,  
**PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' MOTION TO DISMISS OR IN**  
**THE ALTERNATIVE, TO TRANSFER** to be served via United States Postal Service to  
Summit Horizon Financial Services, LLC's registered agent of record INCORP Services, Inc. at  
9040 Roswell Road, Suite 500, Atlanta, Georgia 30350 and to Morris Lope at 503 E. Green  
Street, Bainbridge, Georgia 38919.

Respectfully submitted,

**Brandon Callier**  
**Plaintiff Pro Se**  
**6336 Franklin Trail Drive**  
**El Paso, TX 79912**  
**Callier74@gmail.com**